

March 31, 2005

TO: County Personnel Policy Board Members

SUBJECT: Personnel Policy Board Meeting
Thursday, April 7, 2005
1:30 p.m., Commissioners Hearing Room
County-City Building, Room 112

A G E N D A

ITEM 1: Request to create the following classification:

<u>CLASS CODE</u>	<u>CLASS TITLE</u>	<u>PROPOSED PAY GRADE</u>
4956	Facilities Manager	C26 (\$44,570.24 – \$58,841.12)

ITEM 2: Request for appeal hearing – Betty Akin — County Attorney.

ITEM 3: Miscellaneous Discussion.

pc: Betty Akin
Joe Rupp

LANCASTER COUNTY FACILITIES MANAGER

NATURE OF WORK

This is responsible administrative and technical work overseeing maintenance and repair service to County owned and leased buildings and equipment. Administers and directs programs to maintain buildings, grounds, and equipment.

Work involves planning, directing and supervising the work of skilled maintenance workers performing maintenance and repair functions, ground upkeep and equipment repair. Work includes preparing bid specifications for contract demolition; monitoring demolition projects for compliance with specifications. Supervision is received from an administrative superior with work being reviewed in the form of reports, conferences, and results achieved. Supervision is exercised over supervisory, trades, custodial, and support staff members.

EXAMPLES OF WORK PERFORMED

Provide maintenance and repair service to various County, City and Public Building Commission facilities; coordinate maintenance repair work with other departments and building occupants to minimize interruptions.

Plan, direct and supervise the work of skilled maintenance workers; assign personnel to complete grounds maintenance, snow removal and asbestos abatement for County, City, Joint Antelope Valley projects and Public Building Commission properties; insure construction and repair projects are properly completed.

Prepare bid specification for contract demolition of County, City and Joint Antelope Valley properties; monitor demolition projects for adherence to specifications.

Instruct workers in the proper and safe methods of operating tools used in performing required construction, maintenance, and repair work.

Requisition supplies and keep records of usage; investigate cost of new and replacement equipment and recommend purchase.

Draw, plan and write specifications for building repair and minor building alteration work.

Prepare budget estimates and monitor expenditures of allotted funds.

DESIRABLE KNOWLEDGE, ABILITIES AND SKILLS

Thorough knowledge of building maintenance and repair methods.

Thorough knowledge of work standards and practices in various building trades such as mechanical, electrical, plumbing, painting, carpentry, and plastering.

Knowledge of procedures and practices involving hazardous building materials and waste removal.

Ability to plan, direct, and evaluate the work of a variety of skilled trade workers.

Ability to prepare and interpret building plans and specifications for building construction and repair work.

Ability to establish and maintain effective working relationships with employees, public officials, and the general public.

Ability to inspect and evaluate work performed by skilled trade workers.

DESIRABLE TRAINING AND EXPERIENCE

Graduation from a senior high school or equivalent plus thorough experience in building construction and maintenance work including experience supervising building trade workers. Experience in asbestos sampling and abatement is desirable for positions requiring such work.

MINIMUM QUALIFICATIONS

Graduation from a senior high school or equivalent plus considerable experience in building construction and maintenance work including some supervisory experience or any equivalent combination of training and experience which provides the desirable knowledge, abilities and skills.

NECESSARY SPECIAL REQUIREMENTS

Possession of a valid State of Nebraska driver's license when operating a vehicle is necessary to the satisfactory performance of assigned duties.

Possession of such certifications required by law as necessary for the satisfactory performance of assigned duties.

Depending on assigned duties, an employee in this classification may be required to:

Pass a complete physical examination prior to beginning work and annually thereafter.

Be examined by a licensed physician to determine physical ability to work while wearing a respirator and must be re-examined on an annual basis, as per Title 178, Chapter 21 of Nebraska Asbestos Control Act.

Obtain State and Federal certifications in asbestos handling and supervision upon employment, and annually pass recertification tests, as per Title 178, Chapter 21 of Nebraska Asbestos Control Act and Environmental Protection Agency regulations.

SPECIAL NOTICE

Smokers who are exposed to asbestos occupationally have a greatly increased risk of contracting lung cancer as compared to smokers who are not exposed to asbestos occupationally and non-smokers who are exposed to asbestos occupationally. This is according to OSHA (29 CFR, parts 1910 and 1926) and EPA (40 CFR, part 763) research.

Approved by: _____
Department Head

Personnel Director

DT ✓
OK ✓
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GARY LACEY
LANCASTER COUNTY ATTORNEY
575 South 10th Street
Lincoln, Nebraska 68508-2866
402.441.7321 / TELECOPIER 402.441.7336

Joe Kelly, Chief Deputy

January 12, 2005

Betty Akin
2202 South 11th Street
Trabert Hall, Suite 100
Lincoln, NE 68502

Dear Betty:

On January 10, 2005, you received a letter proposing to suspend you for three days based on violations of Lancaster County Personnel Rules 11.2(h)(5) and (8), and the Use of Cellular Phone Policy 93-3. In the letter, you were scheduled to meet with me on January 12, 2005. However, upon your request, the meeting was held on January 11, 2005. During the meeting, you presented information relative to the above violations. You were informed that the information would be reviewed and you would be advised of my decision.

After consideration of all of the information you presented, I have determined that you have violated Lancaster County Personnel Rules 11.2(h)(5) and (8), and the Use of Cellular Phone Policy 93-3. However, I have also determined that there were some mitigating circumstances. Therefore, I have decided that you will be suspended for two days. Additionally, due to your unsatisfactory work performance, I am directing you to contact the Employee Assistance Program (EAP) liaison and/or Continuum, and cooperate with their recommended course of action. Your suspension and referral to EAP is pursuant to County Personnel Rule 11.2(d) and Lancaster Personnel Policy Bulletin 2000-3(G)(2)(a). I have made my decision based on the facts set forth below.

One of your job functions is handling and dealing with incoming mail. Date stamping mail is a vital operational and record keeping function in the County Attorney's Office. The importance of date stamping mail has been communicated to you repeatedly. On January 5, 2005, you failed to date stamp the mail prior to distribution even though your job requires date stamping and distribution of mail on a daily basis.

On January 5, 2004, the Lancaster County Attorney's Office, Child Support Division received a 60-day closure letter from the State of Nebraska. The letter contained the social security numbers of parties involved in the case. It is office procedure to shred all documents which contain social security numbers if the documents are not needed in a matter. Upon receiving the 60-day closure letter you asked Sandi Nielsen, a para legal, what to do with the letter. Ms. Nielsen informed you that the letter would need to be shredded. You did not shred the letter, and the letter was found discarded in the trash can of Ms. Nielsen's office.

On the afternoon of January 5, 2005, Sharon Keith, your immediate supervisor, made

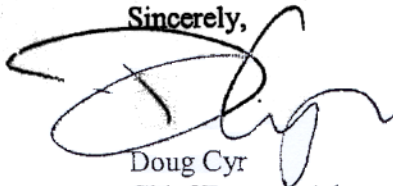
CITY - COUNTY PERSONNEL
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contact with you regarding a question she had. Ms. Keith observed you talking on your personal cellular telephone, engaged in a personal call, while on County time. You informed the party you were speaking to on the phone that you would have to call them after work and laid the phone down. However, you did not hang up the phone. You then answered Ms. Keith's question, picked up your personal cellular telephone, and continued your personal call on County time. You informed Ms. Keith that the phone call had been with your son concerning money needed to put gas in your daughter's car. Ms. Keith has spoken to you in the past about receiving and making too many personal telephone calls on County time. Additionally, on May 30, 2003, all staff, including you, were given a memo concerning use of personal cellular telephones, and a copy of the County's "Use of Cellular Phone Policy", 93-3, October, 1993.

In addition to the above incident, you received a written reprimand on September 13, 2004, for incompetent and inefficient performance of your duties, and engaging in action unbecoming an employee of the County. You also received a written reprimand on March 2, 2004, for being insubordinate to your supervisor, and being incompetent or inefficient in the performance of the duties of your position. The totality of your conduct justifies and requires the imposition of a suspension without pay from your employment with Lancaster County for a period of two days.

Your suspension will begin, at 8:00 a.m., on Wednesday, January 12, 2005, and end at close of business on Thursday, January 13, 2005. You are directed to contact the EAP liaison and/or Continuum within 14 days of your return to work on January 14, 2005.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Cyr", written over a horizontal line.

Doug Cyr
Chief Deputy, Administrative

cc Don Tauté, Personnel Director
Personnel File

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APPEAL

One of the issues that was not responded to by Management in the Hearing:

TIME STAMPED MATERIAL.....The mail that was in question was received on December 31, 2004, I was not at work on that day or the following work days of January 3rd and 4th. Yet, no one else date stamped the material, then when I returned to work on January 5th, it became my responsibility for it not being date stamped on the day it was received? My supervisor, Sharon Keith, knew that I would not be at work during this time. I do not feel that I should have been written up over something that I had no control over. The pile of mail was opened and laying on my desk, with a note from the receptionist saying she didn't know what to do with it, (as to who would get what pieces of the documentation).

PERSONAL CALLS: The week before the writeup, I did have several calls that were personal in reference to my mother's health. I do not feel that I should have been written up for that. Also, there was an emergency, reference my daughter being stranded, I had to contact my son in Omaha to go rescue her. Why in heaven's name would that be something to write someone up for? Other people in this office have had emergencies, but yet they are not harassed about them! They are usually given the go ahead to handle whatever the emergency is, from sick children, spouses, vehicle problems, etc.

In reference to the not shredding the document: As we had been discussing the new truck that Sandi had gotten and my mother's condition, which distracted me from the document in my hand, why couldn't Sandi simply have told me that I was forgetting to shred the document? Instead of running to the supervisor to "tell" on me? Also, why were the supervisor and the attorney, Barb Armstead, going door to door asking the paralegals if I had brought them mail or files that I shouldn't have or if I did anything wrong? That is harassment.

The timing of the complaint was rather inhumane. The office supervisor, Sharon Keith and the attorney, Susan Buettner, were both aware that my mother had only a few days to live, yet they persisted in doing this immediately, why couldn't they have waited at least a few days? When I was told to take a leave of absence without pay, I asked what I was supposed to live on? Susan said, "well surely you have friends and family!" They are both aware that my mother was my last relative in my family, my 4 brothers and sisters had died in the last five years! Besides, does anyone really expect other people to support them? I told them that I needed my job not only for financial reasons, but it was for my sanity, that I could not sit there and watch my mother waste away. The following Monday I was handed a letter from Doug Cyr, listing reasons for a suspension. The next day, they had a Hearing, discussing the issue. First it was to be a 3 day suspension, which would have taken my Holiday pay on top of my wages. The Personnel participant, stated that it would be gouging me, to take the Holiday pay too. Later, I received a call saying that they would only give me a 2 day suspension, starting on Wednesday. Then

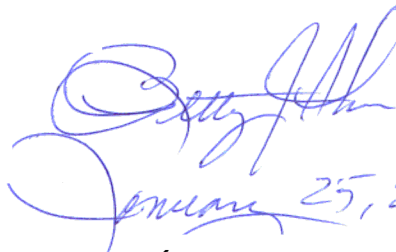
my mother died on January 13th, the second day of my suspension, wonderful timing, huh?

Since March of 2004, a certain group of individuals have been nit picking on everything I do, yet , when they do the same things, nothing is ever said about that, I keep getting the line about, "well, everyone makes mistakes". But I am the one getting wrote up.

Yesterday, I was speaking to the receptionist about papers that I was copying, and the mail that she had been taking care of while I was gone. The supervisor came up and asked what we were talking about. The receptionist told her. A few minutes later the supervisor asked me if I had questions while I was speaking with one of the people about some documentation. And I told her no, I was just making sure who gets what. If felt like she was following me around, watching me.

Today, January 25th, Tuesday, I have an appointment with my Orthopedic Surgeon, to check on my leg. My supervisor wants to meet with me before that appointment, to tell her what I can and cannot do now, physically. The only thing I have been restricted on is to be using step stools and ladders, kneeling on the floor for files, and heavy lifting-which I do not do anyway at this job. How can I tell her, when I haven't been to the Doctor, yet?

I would like to have the suspension stricken from my personnel file, repaid for the 2 days that I was suspended, and the constant nit-picking to stop. There seems to be 2 sets of rules for employees here in this office. Just ask any of the girls in the back area. That is not fair or just in any case.


January 25, 2005

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